IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 6190 of 2007(J)

PETITIONER:
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1. JANCY SEBASTIAN, AGED 41 YEARS,
W/O.SEBASTIAN, KARIKAVAYALIL,
ANTHINAD P.O., ERATTUPETTA.

2. THRESSIAMMA DEVASSIA, W/O.DEVASSIA,
KARIKAVAYALIL, ANTHINAD P.O.,
ERATTUPETTA.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:
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1. KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.
KOLLAPPALLY BRANCH, REP. BY ITS SECRETARY.

2. AUTHORIZED OFFICER, KOTTAYAM DISTRICT
CO-OPERATIVE BANK LTD., HEAD OFFICE,
KOTTAYAM.

BY ADV.SRI.T.R.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.6190 OF 2007

Dated this the 23rd day of February, 2007

JUDGMENT

Learned counsel for the petitioner, after having argued the matter for quite some time on the merits and faced with the situation that none of the grounds is sustainable, made a plea that the petitioner will wipe off the entire outstandings before 31.3.2007 and that distress action may be withheld until then. Under such circumstances, having heard learned counsel for the petitioner and learned counsel for the first respondent Bank, this writ petition is disposed of directing that distress action will stand suspended if the petitioner makes payment of the entire outstandings on or before 31.3.2007. If there is any possibility to grant the petitioner the benefit of One Time Settlement scheme as sought for by him in Ext.P5, that shall also be considered by the Bank. However, such consideration will not deter the directions contained aforesaid, regarding payment.

The writ petition is disposed of as above.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.